

**UTAH RESIDENTIAL MORTGAGE  
REGULATORY COMMISSION MEETING  
Telephonic Meeting**

Heber M. Wells Building

Room 210

9:00 A.M.

November 4, 2015

**MINUTES**

**DIVISION MEMBERS PRESENT**

Jonathan Stewart, Division Director  
Mark Fagergren, Licensing/Education Director  
Jeffery Nielsen, Chief Investigator  
Justin Barney, Hearing Officer  
Amber Nielsen, Acting Board Secretary  
Lark Martinez, Mortgage Education Coordinator  
Marvin Everett, Division Investigator  
Tim Cuthbertson, Division Investigator  
Mike Page, Division Staff  
Desha Pages Division Staff

**COMMISSION MEMBERS PRESENT**

Steve Hiatt, Chair  
George P. Richards, Vice Chair  
John T. Gonzales, Commissioner  
Cathy J. Gardner, Commissioner

Commissioner Kay Ashton is excused from today's meeting.

The meeting on November 4, 2015 of the Utah Residential Mortgage Regulatory Commission began at 9:00 a.m. with Chair Hiatt conducting.

**PLANNING AND ADMINISTRATIVE MATTERS**

Approval of Minutes

A motion was made and seconded to approve the October 7, 2015 minutes as written. Vote: Chair Hiatt, yes; Vice Chair Richards, yes; Commissioner Gardner, yes; Commissioner Gonzales, yes. The motion is approved.

Public Comment Period

No public attended the meeting and there were no comments given.

## **DIVISION REPORTS**

### **Director's Report – Jonathan Stewart**

Director Stewart sent the Commission the first draft of the Division Legislative Bill. Director Stewart would like to send a version of the drafted bill that has been approved by the Division and Commission to the Legislature by the beginning of December.

Director Stewart briefly went through the proposed changes. The first proposed change would grant the Division authority to issue citations on violations. Director Stewart went through the cases where a citation could be issued. If a citation were issued and an individual had an issue with the citation, they will be able to appeal the citation.

The second proposed change deals with prohibited conduct. This ensures that the public is safe-guarded and that licensees conform to industry standards.

The third change would allow the Division and Commission to draft a rule regarding signatures.

The fourth change allows the Division the authority to issue a subpoena and then enforce that subpoena.

The fifth change gives the Division explicit authority over licensee's who have let their license expire.

The sixth change gives the Division and Commission the authority to reduce a Lending Manager license to a Loan Originator license without revoking the license.

The seventh change updates the statute regarding payment from the recovery fund and revocation. Currently, the statute has the license being automatically revoked. The statute now would change to automatically suspend the license. If the licensee repays the fund, they would then be given the opportunity to sit before the Commission to either reinstate the license or the license could be revoked.

### **Enforcement Report – Jeffery Nielsen**

Mr. Nielsen reported in October the Division received 6 complaints; opened 2 cases; closed 3 cases; leaving 77 open mortgage cases. The AG's office has 7 cases.

Mr. Nielsen clarified why there was no statute change regarding marketing. The Division felt this was already covered in statute. Mr. Nielsen believes updating the definition of Mortgage Loan Originator in rule to add some language regarding soliciting.

There are no enforcement stipulations to review this month.

### **Education/Licensing Report – Mark Fagergren**

Mr. Fagergren thanked Kay Ashton for his participation in the Instructor Development Workshop.

Mr. Fagergren reported as of this morning the Division has received 26% of the mortgage companies and branches have submitted their renewal applications, a

total of 216. 28% of the mortgage individuals have submitted their renewal applications, a total of 1136.

Mr. Fagergren remarked in the last newsletter article all the steps to prepare and submit a mortgage renewal. Individuals have to request their credit report and background report during the renewal period. Any requests submitted before November 1, 2015 will not be acceptable.

Director Stewart mentioned if there were many stipulations as a result of items found during the renewal process, the Division would like the Commission to hold specials meetings for the approval of those stipulations.

There are no education stipulations to review this month.

### **Commission and Industry Issues – Justin Barney**

Mr. Barney reported Renda Christensen has retired. The Division is currently in the process of filling her position. In the interim, Amber Nielsen will be taking correspondence for the Division.

Mr. Barney mentioned he is working on language for a proposed rule amendment.

There are no licensing stipulations for review this month.

A motion was made to adjourn the meeting. Vote: Chair Hiatt, yes; Vice Chair Richards, yes; Commissioner Gardner, yes; Commissioner Gonzales, yes. The motion is approved. The meeting adjourned at 9:42 a.m.